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HOUSE BILL 2227

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives McDonald, Schindler and Kristiansen

Read first time 02/14/2007. Referred to Committee on Local Government.

1            AN ACT Relating to boundary review board reviews of proposed  
2 actions; and amending RCW 36.93.150.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 36.93.150 and 1994 c 216 s 15 are each amended to read  
5 as follows:

6            The board, upon review of any proposed action, (~~shall take such of~~  
7 ~~the following actions as it deems necessary to best carry out the~~  
8 ~~intent of this chapter~~)) may:

9            (1) Approve the proposal as submitted.

10            (2) Subject to RCW 35.02.170 and the requirements of this chapter,  
11 modify the proposal by adjusting boundaries to add or delete territory.  
12 (~~However,~~)

13            (a) A board may not modify a proposal for annexation of territory  
14 to a city by adding an amount of territory that constitutes ten percent  
15 or more of the total area within the proposal before the board.

16            (b) Any proposal for annexation of territory to a town shall be  
17 subject to RCW 35.21.010 and the board (~~shall~~) may not add additional  
18 territory, the amount of which is greater than that included in the  
19 original proposal.

1       (c) Any modifications (~~(shall not interfere with)~~) do not affect  
2 the authority of a city, town, or special purpose district to require  
3 or not require preannexation agreements, covenants, or petitions.

4       (d) A board (~~(shall)~~) may not modify the proposed incorporation of  
5 a city with an estimated population of seven thousand five hundred or  
6 more by removing territory from the proposal, or adding territory to  
7 the proposal, that constitutes ten percent or more of the total area  
8 included within the proposal before the board. However, a board shall  
9 remove territory in the proposed incorporation that is located outside  
10 of an urban growth area or is annexed by a city or town, and may remove  
11 territory in the proposed incorporation if a petition or resolution  
12 proposing the annexation is filed or adopted that has priority over the  
13 proposed incorporation, before the area is established that is subject  
14 to this ten percent restriction on removing or adding territory.

15       (e) A board (~~(shall)~~) may not modify the proposed incorporation of  
16 a city with a population of seven thousand five hundred or more to  
17 reduce the territory in such a manner as to reduce the population below  
18 seven thousand five hundred.

19       (3) Determine a division of assets and liabilities between two or  
20 more governmental units where relevant.

21       (4) Determine whether, or the extent to which, functions of a  
22 special purpose district are to be assumed by an incorporated city or  
23 town, metropolitan municipal corporation, or another existing special  
24 purpose district.

25       (5) Disapprove the proposal except that the board (~~(shall)~~) may not  
26 have jurisdiction:       (a) (i) To disapprove the dissolution or  
27 disincorporation of a special purpose district (~~(which)~~) that is not  
28 providing services, but (~~(shall)~~) (ii) does have jurisdiction over the  
29 determination of a division of the assets and liabilities of a  
30 dissolved or disincorporated special purpose district; (b) over the  
31 division of assets and liabilities of a special purpose district that  
32 is dissolved or disincorporated pursuant to chapter 36.96 RCW; nor (c)  
33 to disapprove the incorporation of a city with an estimated population  
34 of seven thousand five hundred or more, but the board may recommend  
35 against the proposed incorporation of a city with such an estimated  
36 population.

37       Unless the board disapproves a proposal, it shall be presented  
38 under the appropriate statute for approval of a public body and, if

1 required, a vote of the people. A proposal that has been modified  
2 shall be presented under the appropriate statute for approval of a  
3 public body and if required, a vote of the people. If a proposal,  
4 other than that for a city, town, or special purpose district  
5 annexation, after modification does not contain enough signatures of  
6 persons within the modified area, as are required by law, then the  
7 initiating party, parties or governmental unit has thirty days after  
8 the modification decision to secure enough signatures to satisfy the  
9 legal requirement. If the signatures cannot be secured then the  
10 proposal may be submitted to a vote of the people, as required by law.

11 The addition or deletion of property by the board (~~((shall))~~) does  
12 not invalidate a petition (~~((which))~~) that had previously satisfied the  
13 sufficiency of signature provisions of RCW 35.13.130 or 35A.14.120.  
14 When the board, after due proceedings held, disapproves a proposed  
15 action, (~~((such))~~) the proposed action (~~((shall-be))~~) is unavailable, the  
16 proposing agency (~~((shall-be))~~) is without power to initiate the same or  
17 substantially the same as determined by the board, and any succeeding  
18 acts intended to or tending to effectuate that action (~~((shall-be))~~) are  
19 void, but such an action may be reinitiated after a period of twelve  
20 months from date of disapproval and (~~((shall-again-be))~~) is then subject  
21 to the same consideration.

22 The board (~~((shall))~~) may not modify or deny a proposed action unless  
23 there is evidence on the record to support a conclusion that the action  
24 is inconsistent with one or more of the objectives under RCW 36.93.180.  
25 Every such determination to modify or deny a proposed action shall be  
26 made in writing pursuant to a motion, and shall be supported by  
27 appropriate written findings and conclusions, based on the record.

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